

REMARKS

In the Office Action, claims 1 and 37 were rejected, claims 2-17 and 38-44 were objected to and claim 18 was allowed. Reconsideration and allowance of all pending claims are requested in view of the points set forth below.

Double Patenting

In the Office Action, claims 1 and 37 were provisionally rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 1 and 13 of copending Application No. 10/874099.

However, MPEP 804 I. B. states that

“[t]he ‘provisional’ double patenting rejection should continue to be made by the examiner in each application as long as there are conflicting claims in more than one application *unless that ‘provisional’ double patenting rejection is the only rejection remaining in at least one of the applications.*” (Emphasis added.)

Applicants respectfully submit that, in the present Office Action, the provisional double patenting rejection is the only rejection remaining. Accordingly, Applicants request that the Examiner reconsider and remove the obviousness-type double patenting rejection of claims 1 and 37.